UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,779	10/01/2003	Brian Klock	NEC 03008	9131

31688	7590	04/05/2006

TRAN & ASSOCIATES
6768 MEADOW VISTA CT.
SAN JOSE, CA 95135

EXAMINER
HARPER, LEON JONATHAN

ART UNIT	PAPER NUMBER
2166	

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/677,779	KLOCK ET AL.
	Examiner	Art Unit	
	Leon J. Harper	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 October 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-36</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-25 and 28-36</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) <u>26,27</u> are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>10/01/2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/29/2006</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to application 10677779 filed on 10/1/2003.

Claims 1-25, 28-36 are pending in this application.

Election/Restrictions

2.   During a telephone conversation with Bao Tran on March 23rd a provisional

election was made with traverse to prosecute the invention Strategy Search, claims 1-

25, 28-36. Affirmation of this election must be made by applicant in replying to this office

action. Claims 26,27 are withdrawn from further consideration by the examiner, 37 CFR

1.142(b), as being drawn to a non-elected invention.

3.   Restriction to one of the following invention was required under 35 U.S.C. 121:

I.   Claims 1-25,28-36 drawn to a method and computer program product for

searching information in a search system, classified in class 707, subclass

2.

II.   Claims 26,27 drawn to query generation, and execution, classified in class

707, subclass 102.

4.   The inventions are distinct from each other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a

single combination. The subcombinations are distinct from each other if they are shown

to be separately usable. In the instant case, invention I has a separate utility such as

augmenting a query. Invention II has a separate utility such as generating a search

query. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have

acquired a separate status in the art as shown by their different classification, restriction

for examination purpose as indicated is proper.

Applicant is reminded that upon the cancellation of claims to a non-elected

invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one

or more of the currently named inventors is no longer an inventor of at least one claim

remaining in the application. Any amendment of inventorship must be accompanied by

a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Specification

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent
and should include that which is new in the art to which the invention pertains. If the
patent is of a basic nature, the entire technical disclosure may be new in the art, and the
abstract should be directed to the entire disclosure. If the patent is in the nature of an
improvement in an old apparatus, process, product, or composition, the abstract should
include the technical disclosure of the improvement. In certain patents, particularly
those for compounds and compositions, wherein the process for making and/or the use
thereof are not obvious, the abstract should set forth a process for making and/or use
thereof. If the new technical disclosure involves modifications or alternatives, the
abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:
(1) if a machine or apparatus, its organization and operation;
(2) if an article, its method of making;
(3) if a chemical compound, its identity and use;
(4) if a mixture, its ingredients;
(5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Title

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

Claims 16, 17 are objected to because of the following informalities: Claims 16 and17 appear to cover the exact same material as claims 14 and 15. In fact claims 17 reads "changing one or more keys in the query message even though there isn't a query stated in claim 16. Examiner will assume for the purpose of this office action that the claims cover the same material. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-25, 28-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004 0054662 (hereinafter Work) in view of US 6980984 (hereinafter Huff).

As for claim 1: Work discloses: augmenting the system's production rules based on a search strategy (See paragraph 0022 note user can specify whether or not to use the dictionary or thesaurus which in turn specify different search databases or engines).

Work differs from the claimed invention in that the disclosure of dynamically determining at run-time the selection or order of said resources according to the production rules along with the augmented production rules is a little convoluted. Huff however more explicitly states dynamically determining at run-time the selection or order of said resources according to the production rules along with the augmented

production rules (See column 20 lines 29-39 note that the delimiters are used to map concepts which are used in turn to select queries, attributes to be ordered based on he context of the query (See column 19 lines 28-33)). It would have been obvious to an artisan of ordinary skill in the pertinent art to have incorporated the teaching of Huff's into the system of Work's. The modification would have been obvious because many time users must cross reference multiple online sources and databases, and user feel differently about the reliability of each one. Allowing users to select different resources will lead to a more reliable search with better more concise results (See Work paragraph 0007).

As for claim 2 the rejection of claim 1 is incorporated, and further Work discloses: comprises placing additional constraints on the production rules at run-time (See paragraph 0022).

As for claim 3 the rejection of claim 1 is incorporated, and further Work discloses: comprises nullifying one or more of the production rules at run-time (See paragraph 0024 note: engines can be turned off or not searched).

As for claim 4 the rejection of claim 1 is incorporated, and further Work discloses: specifying the search strategy during run-time (See paragraph 0022 note: difference between pre-configured vs. user configured).

As for claim 5 the rejection of claim 1 is incorporated, and further Huff discloses: wherein the search strategy is specified by a user (See column 20 lines 29-39).

As for claim 6 Huff discloses: wherein the search strategy is hard-coded (See column 20 lines 46-50).

As for claim 7 the rejection of claim 1 is incorporated, and further Work discloses: executing the search strategy over a plurality of search passes over the resources (See paragraph 0029).

As for claim 8 the rejection of claim 7 is incorporated, and further Work discloses: wherein the search strategy of a search pass is modified by a prior search pass (See paragraph 0037).

As for claim 9 the rejection of claim 1 is incorporated, and further Huff discloses: wherein the search strategy includes conditional operators that are evaluated during the search (See column 20 lines 29-39).

As for claim 10 the rejection of claim 1 is incorporated, and further Work discloses: wherein one of the resource includes one of query processing resource, result processing resource and data resource (See paragraph 0022 note that search engine is a resource).

As for claim 11 the rejection of claim 1 is incorporated, and further Work discloses: wherein the dynamic determining is controlled in accordance with the search strategy and system state (See paragraph 0022 and paragraph 0028)

As for claim 12 the rejection of claim 1 is incorporated, and further Work discloses: wherein the system state comprises a query (See paragraph 0028 note: query).

As for claim 13 the rejection of claim 11 is incorporated, and further Work discloses: wherein the system state comprises one or more messages passed among the resources (See paragraphs 0029 and 0030 note list are passed from engine to engine).

As for claim 14 the rejection of claim 7 is incorporated, and further Work discloses: modifying a query message received from one of the resources during one of said passes for use in a subsequent pass (See paragraph 0029).

As for claim 15 the rejection of claim 14 is incorporated, and further Work discloses: wherein the modifying further comprises assign deleting or changing of one or more keys in the query message (See paragraph 0026).

As for claim 16 the rejection of claim 7 is incorporated, and further Work

discloses: modifying a data request received from one of the resources during one of

said search passes for use in a subsequent pass (See paragraph 0029).

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As for claim 17 the rejection of claim 16 is incorporated, and further Work

discloses: wherein the modifying further comprises assign deleting or changing of one

or more keys in the query message (See paragraph 0026).

As for claim 18 the rejection of claim 7 is incorporated, and further Work

discloses: adding a data request directed at one of the resources over a route and

altering the route during one of said search passes for use in a subsequent pass (See

paragraphs 0038 and 0039 note the research engine is doing the altering).

As for claim 19 the rejection of claim 7 is incorporated, and further Work

discloses: directing a query message at one of the resources over a route and altering

the route during one of said search passes for use in a subsequent pass See

paragraphs 0038 and 0039 note the research engine is doing the altering).

As for claim 20 the rejection of claim 7 is incorporated, and further Work

discloses locally routing a message received from one of the resources during one of

said search passes for use in a subsequent pass (See paragraph 0035 note: messages

are being routed from the rules data store to the research engine).

As for claim 22 the rejection of claim 7 is incorporated, and further Work discloses: answering or generating one or more control messages received from one of the resources during one of said passes for use in a subsequent pass (See paragraph 0039, note the rules specify relationships and they are used by the research engine for subsequent passes).

As for claim 23 the rejection of claim 7 is incorporated, and further Work discloses: updating a next pass condition received from one of the resources during one of said search passes for use in a subsequent pass (See paragraph 0040 updating research model).

As for claim 24 the rejection of claim 1 is incorporated, and further Work discloses: optimizing a search result given the strategy and the production rules (See 0037).

Claim 25 is a system claim corresponding to the method claim 1 and is thus rejected for the same reasons as set forth in the rejection of claim 1.

Claim 28 is a computer-implemented method claim corresponding to the method claim 1 and is thus rejected for the same reasons as set forth in the rejection of claim 1.

Claims 29-35 are computer program product claims corresponding to the method claims 1-4,7,8,11 respectively and are thus rejected for the same reasons as set forth in the rejection of claims 1-4,7,8,11.

As for claim 36 the rejection of claim 1 is incorporated and further Work discloses: wherein said using includes providing a query to said one or more resources and receiving at least one result therefrom (See paragraph 0030), wherein said ordering includes determining a sequence in which said resources are queried (See paragraph 0024), and wherein said manipulating includes controlling the operation of said resources (See paragraph 0026).

Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leon J. Harper whose telephone number is 571-272-0759. The examiner can normally be reached on 7:30AM - 4:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

LJH
Leon Harper
March 28, 2006
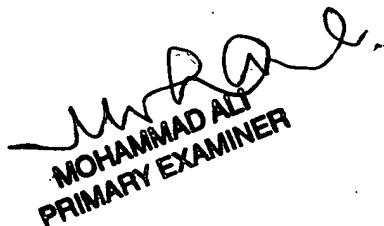
MOHAMMAD ALI
PRIMARY EXAMINER